



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 07-005

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. It is suggested that “the violator’s” be replaced with “a small business’s” in s. Comm 200.10 (1) (b) to make it consistent with the rest of the chapter.

b. Section Comm 200.10 (3) could be clarified with respect to the department’s authority to disagree with the entity as to whether the small business definition applies. It is suggested that this subsection be revised to read:

(3) The requirements of this chapter apply to any exercise of department discretion in an enforcement action against an entity after the entity has notified the department that it meets the definition of small business, and the department determines that the entity is a small business. [A cross-reference to s. Comm 200.03 (2) is not necessary.]

4. Adequacy of References to Related Statutes, Rules and Forms

In the note following s. Comm 200.01, citations to the various statutes conferring general statutory authority to exercise discretion in enforcement of rules should be provided. The note could be rephrased as follows: “This chapter does not limit the department’s general authority under [insert cites to statutory authority] to exercise discretion in the enforcement of rules in order to gain compliance by any business.”